

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
and JEFFREY G. McGONEGAL,

Defendants.

Civil No. 3:18-CV-02293(FLW)(ZNQ)

MOTION DATE: May 3, 2021

ORAL ARGUMENT REQUESTED

**NOTICE OF RIOT BLOCKCHAIN, INC.'S MOTION TO DISMISS THE
CONSOLIDATED SECOND AMENDED CLASS ACTION COMPLAINT
FOR VIOLATION OF THE FEDERAL SECURITIES LAWS**

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RIOT BLOCKCHAIN, INC., JOHN O'ROURKE, AND MICHAEL BEEGHLEY

PLEASE TAKE NOTICE that on May 3, 2021, or at such other date as may be set by the Court, Defendant Riot Blockchain, Inc. (“Riot” or the “Company”), by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, New Jersey 08608, for an Order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b) (the “Reform Act”), dismissing with prejudice Lead Plaintiff Dr. Stanley Golovac’s (“Lead Plaintiff”) Consolidated Second Amended Class Action Complaint for Violations of the Federal Securities Law (“Second Amended Complaint” or “SAC”).

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice, the accompanying Declaration of D. Scott Carlton and the Exhibits attached thereto, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: February 8, 2021

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By: /s/ Chad J. Peterman

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